



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 8

GENERAL

Interpretation

270 Officer

The Table gives the meaning of “officer” in relation to registered providers.

<i>[^{F1}private registered provider]</i>	<i>Meaning of “officer”</i>
Registered charity which is not a registered company	Trustee, secretary or treasurer
<i>[^{F2}Registered society]</i>	“Officer” within the meaning given by <i>[^{F3}section 149 of the Co-operative and Community Benefit Societies Act 2014]</i> (including a person co-opted to serve on the society's committee)
Registered company	“Officer” within the meaning given by section 1173 of the Companies Act 2006

Textual Amendments

- F1** Words in s. 270 substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 75](#)

Status: Point in time view as at 08/11/2017.

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- F2** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014](#) (c. 14), s. 154, [Sch. 4 para. 123](#) (with [Sch. 5](#))
- F3** Words in s. 270 substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014](#) (c. 14), s. 154, [Sch. 4 para. 134](#) (with [Sch. 5](#))

Commencement Information

- I1** S. 270 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

271 Subsidiary and associate

- (1) A company is a “subsidiary” of a person if any of the following conditions is satisfied.
- (2) Condition 1 is that the person—
- is a member of the company, and
 - has power, independent of any other person, to appoint or remove all or a majority of the board of directors.
- (3) Condition 2 is that the person holds more than half in nominal value of the company's equity share capital.
- (4) Condition 3 is that the company is a subsidiary, within the meaning of the Companies Act 2006 (c. 46) or [^{F4}Part 7 of the Co-operative and Community Benefit Societies Act 2014], of a company which is a subsidiary of the person by virtue of Condition 1 or 2.
- (5) In relation to a company which is [^{F5}a registered society] a reference to the board of directors is a reference to the committee of management.
- (6) “Associate” of a provider means—
- a body of which the provider is a subsidiary, and
 - any other subsidiary of that body.

Textual Amendments

- F4** Words in s. 271(4) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014](#) (c. 14), s. 154, [Sch. 4 para. 135](#) (with [Sch. 5](#))
- F5** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014](#) (c. 14), s. 154, [Sch. 4 para. 122](#) (with [Sch. 5](#))

Commencement Information

- I2** S. 271 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

272 Family

- (1) For the purposes of this Part one person is a member of the family of another if—
- they are, or live together as if they were, spouses or civil partners, or
 - one is the parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the other.
- (2) For those purposes—
- a relationship by marriage or civil partnership shall be treated as a relationship by blood (and, in particular, P's stepchild shall be treated as P's child), and
 - a relationship by half-blood shall be treated as a relationship by whole blood.

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Commencement Information

I3 S. 272 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

273 Disposal

- (1) In this Part a reference to disposing of property is a reference to—
 - (a) selling it,
 - (b) leasing it,
 - (c) mortgaging it,
 - (d) making it subject to a charge, and
 - (e) disposing of it, or of any interest in it, in any other way.
- (2) Granting an option to require a disposal shall be treated as making a disposal.

Commencement Information

I4 S. 273 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

274 Charities that have “received public assistance”

- (1) For the purposes of this Part a registered charity has received public assistance if at least one of the following conditions is satisfied.
- (2) Condition 1 is that the charity has received financial assistance from the HCA under section 19.
- (3) Condition 2 is that the charity has received financial assistance under section 24 of the Local Government Act 1988 (c. 9) (assistance for privately let housing accommodation).
- (4) Condition 3 is that the charity has had housing transferred to it pursuant to—
 - (a) a large scale disposal, within the meaning of section 34 of the Housing Act 1985 (c. 68), for which consent was required under section 32 or 43 of that Act, or
 - (b) a qualifying disposal that was made under section 135 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28).
- (5) Condition 4 is that the charity has received a grant or loan under—
 - (a) section 18 of the Housing Act 1996 (c. 52) (social housing grants),
 - (b) section 22 of that Act (assistance from local authorities),
 - (c) section 58 of the Housing Associations Act 1985 (c. 69) (grants or loans by local authorities),
 - (d) section 50 of the Housing Act 1988 (c. 50), section 41 of the Housing Associations Act 1985 or any enactment replaced by that section (housing association grant),
 - (e) section 51 of the Housing Act 1988 (c. 50) or section 54 or 55 of the Housing Associations Act 1985 (c. 69) (revenue deficit grant or hostel deficit grant),
 - (f) section 79 of the Housing Associations Act 1985 (loans by Housing Corporation),

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- (g) section 31 of the Housing Act 1974 (c. 44) (management grants), or
- (h) any enactment mentioned in paragraph 2 or 3 of Schedule 1 to the Housing Associations Act 1985 (pre-1974 grants and certain loans).

Commencement Information

I5 S. 274 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

275 General

In this Part, except where the context requires otherwise—

“action” includes inaction, proposed action and decision,

“assured agricultural occupancy” has the same meaning as in Part 1 of the Housing Act 1988,

“assured tenancy” has the same meaning as in that Part,

“the Charity Commission” means the Charity Commission for England and Wales,

“committee”, in relation to [^{F6}a registered society], means the committee of management or other directing body of the society (including any person co-opted to serve on the committee, whether a member of the society or not),

“consent” means written consent,

“constitution” includes rules,

“conveyance” includes grant, assignment and any other instrument,

“district valuer” has the meaning given by section 622 of the Housing Act 1985 (c. 68),

“dwelling”—

(a) means a house, flat or other building or part of a building occupied or intended to be occupied as a separate dwelling, and

(b) includes any garden, yard, outhouse or other appurtenance belonging to, or usually enjoyed with, the dwelling,

“the HCA” means the Homes and Communities Agency,

^{F7} ...

“local authority” has the same meaning as in the Housing Associations Act 1985,

“local housing authority” has the same meaning as in the Housing Act 1985,

“maintenance” includes repair,

[^{F8}“mismanagement”, in relation to the affairs of a registered provider, means managed in breach of any legal requirements (imposed by or under an Act or otherwise);]

“non-registrable charity” means a charity which is not required to be registered, in accordance with [^{F9}section 30 of the Charities Act 2011,]

“notice” means written notice (and to “notify” means to give written notice),

[^{F10}“preferential creditor”, “preferential debt”, “ordinary preferential debt” and “secondary preferential debt”] have the same meaning as in the Insolvency Act 1986 (c. 45),

“price” includes premium,

“registered charity” means a charity registered under [^{F11}the Charities Act 2011,]

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- “registered company” means a company within the meaning of the Companies Act 2006 (c. 46),
- [^{F12}“registered society” has the same meaning as in the Co-operative and Community Benefit Societies Act 2014,]
- “rent” includes payments under a licence to occupy accommodation,
- “representations” means written representations,
- “secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985 (c. 68),
- “secured creditor” means a creditor who holds a mortgage or charge (including a floating charge) over—
- (a) land held by a registered provider, or
- (b) a present or future interest of a registered provider in rents or other receipts from land,
- “tenant” in relation to social housing includes other occupiers, and
- “working day” means a day other than—
- (a) a Saturday or Sunday,
- (b) Christmas Day or Good Friday, or
- (c) a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 (c. 80).

Textual Amendments

- F6** Words in Act substituted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), Sch. 4 para. 122 (with [Sch. 5](#))
- F7** Words in s. 275 omitted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by virtue of [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 136\(a\)](#) (with [Sch. 5](#))
- F8** Words in s. 275 substituted (6.4.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 4 para. 38](#); [S.I. 2017/75](#), reg. 4
- F9** Words in s. 275 substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 135\(a\)](#) (with [s. 20\(2\)](#), [Sch. 8](#))
- F10** Words in s. 275 substituted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), [30\(3\)](#) (with art. 3)
- F11** Words in s. 275 substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 135\(b\)](#) (with [s. 20\(2\)](#), [Sch. 8](#))
- F12** Words in s. 275 inserted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 136\(b\)](#) (with [Sch. 5](#))

Commencement Information

- I6** S. 275 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), [art. 3\(1\)](#)
- I7** S. 275 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

276 Index of defined terms

The Table lists expressions defined in this Part.

Expression

Section

Status: Point in time view as at 08/11/2017.

Changes to legislation: Housing and Regeneration Act 2008, Chapter 8 is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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Textual Amendments

F13 S. 276 entry repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 53\(2\)](#), [Sch. 25 Pt. 26](#); [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

F14 S. 276 entries inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 76](#)

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- F15** Words in s. 276 inserted (15.1.2012) by **Localism Act 2011 (c. 20)**, s. 240(2), **Sch. 16 para. 53(6)**; S.I. 2012/57, art. 4(1)(t)(iii) (with arts. 6, 7, 9-11)
- F16** Words in Act substituted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by Co-operative and **Community Benefit Societies Act 2014 (c. 14)**, **Sch. 4 para. 123** (with Sch. 5)
- F17** Words in s. 276 substituted (1.4.2012) by **Localism Act 2011 (c. 20)**, s. 240(2), **Sch. 16 para. 53(3)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F18** Words in s. 276 omitted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by virtue of **Co-operative and Community Benefit Societies Act 2014 (c. 14)**, s. 154, **Sch. 4 para. 137(a)** (with Sch. 5)
- F19** Words in s. 276 inserted (1.1.2015) by **The Banks and Building Societies (Depositor Preference and Priorities) Order 2014 (S.I. 2014/3486)**, arts. 1(2), **30(4)** (with art. 3)
- F20** Words in s. 276 inserted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by Co-operative and **Community Benefit Societies Act 2014 (c. 14)**, s. 154, **Sch. 4 para. 137(b)** (with Sch. 5)
- F21** Words in s. 276 substituted (1.4.2012) by **Localism Act 2011 (c. 20)**, s. 240(2), **Sch. 16 para. 53(4)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F22** Words in s. 276 substituted (1.4.2012) by **Localism Act 2011 (c. 20)**, s. 240(2), **Sch. 16 para. 53(5)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)

Commencement Information

- I8** S. 276 in force at 8.9.2008 for specified purposes by S.I. 2008/2358, **art. 3(1)**
- I9** S. 276 in force at 1.4.2010 in so far as not already in force by S.I. 2010/862, **art. 2** (with Sch.)

Miscellaneous

277 Consequential amendments

Schedule 9 (which contains amendments of enactments) has effect.

Commencement Information

- I10** S. 277 in force at 8.9.2008 for specified purposes by S.I. 2008/2358, **art. 3(1)**
- I11** S. 277 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 3** (with arts. 6-13)
- I12** S. 277 in force at 1.4.2009 for specified purposes by S.I. 2009/803, **art. 8(1)**
- I13** S. 277 in force at 1.4.2010 in so far as not already in force by S.I. 2010/862, **art. 2** (with Sch.)

278 Transitional

- (1) The regulator shall include in the register under section 111 on its establishment anyone—
- (a) who was registered under section 1 of the Housing Act 1996 (c. 52) (register of social landlords) immediately before section 61 came into force, and
 - (b) in relation to whom the Relevant Authority was the Housing Corporation (in accordance with section 56 of that Act).
- (2) A person registered under this section shall be designated as a non-profit organisation.

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Commencement Information

I14 S. 278 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

[^{F23} **278A** Power to nominate for consultation purposes

- (1) The Secretary of State may for the purposes of the following provisions of this Part nominate a body appearing to the Secretary of State to represent the interests of tenants of social housing in England—
- (a) section 112(4);
 - [^{F24}(b) section 176;]
 - (c) section 196(1);
 - (d) section 197(4);
 - (e) section 216.
- (2) The Secretary of State must notify the regulator of any nomination (or withdrawal of any nomination) under this section.]

Textual Amendments

- F23** S. 278A inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), [ss. 26\(2\)](#), [148\(1\)\(c\)](#)
- F24** S. 278A(1)(b) substituted (6.4.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), [s. 216\(3\)](#), [Sch. 4 para. 21](#); [S.I. 2017/75](#), [reg. 4](#)

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